

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

A.M., a minor, by and through her mother,
SHAEL NORRIS

Plaintiff

V.

Case No. 2:19-cv-00466-LEW

CAPE ELIZABETH SCHOOL DISTRICT, et al.

Defendants

DECLARATION OF DONNA WOLFROM

Pursuant to 28 U.S.C. § 1746, I, Donna Wolfrom, declare as follows:

1. I am the Superintendent of Schools for the Cape Elizabeth School Department, a job I have held since July 1, 2018.

2. On September 16, 2019, I was informed that several sticky notes were found in two girls' bathrooms at Cape Elizabeth High School ("CEHS"). Our first concern was for the safety of our students given the information that a rapist was in the school. Building administration, together with the School Department's Title IX Coordinator Cathy Stankard, immediately started a Title IX investigation to determine if there was a known rapist at CEHS.

3. I was kept informed as the investigation proceeded and I sat in on some but not all of the more than 40 student interviews that administration conducted.

4. One interview that I sat in on was an interview of A.M and her mother, Plaintiff Shael Norris on September 17, 2019. It was a lengthy interview during the course of which

A.M. went from denying that she knew anything about the sticky notes to admitting that she had written and posted at least one in the second floor bathroom.

5. At this point in the process, administration was still trying to determine if there was a particular individual in the school who proposed an immediate risk to our students so during the interview, A.M. was asked for any information she had about the presence of a rapist in CEHS. In response, she described three separate instances of sexual assault that she claimed one particular male student at the high school whom she identified by name and I will refer to herein as “Student 1” had been involved in.

6. Student 1 was the only alleged rapist that A.M. identified during the interview and she made it clear that he was the person she was referring to when she wrote the sticky note. She disclosed that he was the person she had in mind when she wrote the note. She told us that she resented the fact that he was “idolized” (her word) by faculty at the school and noted that he got a citizenship award from the school, which she felt, was undeserved. She said that school administrators did not address the sexual assault he had engaged in and argued that he should not be in the school. She also stated that her purpose in writing the notes was to instill fear.

7. At around the time that the administrators performing the Title IX claim were coming to the conclusion that this was not a Title IX issue and that the rumors they had been told about Student 1 were not true, I was told by CEHS Principal Jeffrey Shedd that Student 1 and his mother were alleging that Student 1 had been bullied as a result of the notes and their aftermath. When he received this complaint, Principal Shedd began a bullying investigation with the help of Assistant Principal Carpenter.

8. Messrs. Shedd and Carpenter kept me informed as the bullying investigation was proceeding and I participated in interviews of several students including another interview of

A.M. Prior to the second meeting with a.M., we reviewed Policy JICK and JICK-R to see if we had to inform A.M. that we were conducting a bullying investigation before interviewing her. Our policy did not require that. However, both Mr. Shedd and Mr. Carpenter made it clear during the interview that the notes had caused substantial disruption in the school and suggested that there would be discipline as a result.

9. During that interview, A.M. continued to admit posting a note and claimed that other students had done so as well. She was unwilling to disclose the names of those other students.

10. By September 26, 2019, the bullying investigation was completed and Mr. Shedd and Mr. Carpenter discussed with me their intention to suspend all three girls who they determined posted sticky notes, one for one day, one for two days and A.M. for five days. I concurred with their analysis. However, on the following Monday, September 30, 2019, Mr. Shedd called me to say that he had changed his mind and was only going to suspend A.M. for three days. He told me that he planned to meet with Student 1 and his parents to tell them the results of the investigation first and then he would meet with the three girls and their parents.

11. On October 4, 2019, an article was published in the Portland Press Herald in which A.M. was featured. This article was published after Mr. Shedd told me his decision to suspend A.M. for three days. After reading the article, we were concerned that suspending A.M. would appear to be in retaliation for what she said to the newspaper. However, we knew that was incorrect and decided that it was important to follow our policy and address the serious incident of bullying that Principal Shedd had determined occurred.

12. After Mr. Shedd communicated his discipline decision to A.M. and her mother, they filed an appeal of that decision to me.

13. We met on October 9, 2019 for the purpose of hearing the appeal. During their presentation, A.M. claimed that the sticky note was not directed at any person, a statement I knew of my own personal knowledge was at odds with what she had said before. A.M.'s mother also expressed disappointment that A.M. had not been appointed to a School Committee group appointed to study our policies.

14. I considered what A.M. said during our meeting as well as a written submission and an audio tape of one of our meetings. Thereafter, I decided to deny A.M.'s appeal. I set forth my reasons for the denial of the appeal in a letter dated October 11, 2019, a copy of which is attached as Exhibit 1. The letter accurately sets forth the reasons for my decision to deny A.M.'s appeal.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed: October 16, 2019

/s/ Donna Wolfrom
Donna Wolfrom